

Patent Application Serial No. 10/816,145
Amendment dated December 7, 2006
Reply to Office Action of September 11, 2006
Docket No. 6879/71806

REMARKS/ARGUMENTS

Claims 8-13 and 19 are pending in this application. No new matter has been added by these amendments.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 8-13 under 35 U.S.C. § 112 as failing to comply with the written description requirement. The Examiner asserts that independent claim 8 introduces new matter – resetting the control unit manually – because the specification does not disclose resetting the control unit by any specific means. Applicant respectfully traverses and requests reconsideration and withdrawal of the rejection.

The specification provides, on p. 6 at lines 11-12, that “[a] reset switch or button 103 may also be provided in order to reset control unit 102.” On p. 7 at lines 16-20, the specification further provides that “[i]f the pressure sensor is activated (Step S205) and the first time period has elapsed (Step S206), then the system will issue a warning signal ... for a certain time, for example, twenty seconds, or until the reset button is pressed (Step S207).”

The term “switch” is defined as “[a] device used to break or open an electric circuit or to divert current from one conductor to another.” American Heritage Dictionary (2000). The definition of “button” is “any small knob or disk pressed to activate an electric circuit, release a spring, or otherwise operate or open a machine, small door, toy, etc.” or “[a]ny of various objects resembling a button, especially: a. a push-button switch.” *Id.*; Dictionary.com (v. 1.0.1). The term “press” or “pressed” may be defined as “to act upon with steadily applied weight or force” or “[t]o exert steady weight or force against.” Dictionary.com (v. 1.0.1); American Heritage Dictionary (2000).

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Although these definitions do not specify that the switch or button is operated manually, it is inherent that a switch or button is pressed manually. Likewise, when Applicant discloses a reset switch or button to reset the control unit, which can be pressed, it is inherent that a subject could press the reset switch or button with his hands, i.e., reset the control unit manually. One of ordinary skill in the art, or even an ordinary person not skilled in any art, would understand that such a switch or button must be pressed or pushed manually.

That a subject could, in theory, press or push a switch or button with his elbow, feet, nose, or a stick is immaterial here. A person of ordinary skill in the art, or, again, an ordinary person not skilled in any art, who reads the specification and what it provides would immediately assume that he would press or push the switch or button with his hands. Therefore, because the concept of manually operating the reset switch or button for the control unit is inherent in the terms "switch," "button," and "press," the amendment to claim 8 does *not* introduce new matter. Applicant respectfully requests reconsideration and withdrawal of this rejection.

If considered necessary or preferable by the Examiner, and if it would assist the Examiner in reconsideration of this rejection, Applicant is willing to clarify the specification to state the inherent matter explicitly, e.g., by adding the words "with hands" or "manually" where appropriate.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 8 and 10-13 under 35 U.S.C. § 103(a) as unpatentable over Schmidt et al. (U.S. Patent No. 6030351) in view of Hattes (U.S. Patent No. 3911899). The Examiner asserts that although Schmidt et al. do not disclose allowing a user to manually reset the control unit, Hattes discloses an alarm device allowing manual resetting, such that, therefore,

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allowing manual resetting of the control unit in the present invention would have been obvious.

Applicant respectfully traverses and requests reconsideration and withdrawal of the rejection.

Schmidt et al. describe a device and method for reminding a person to adjust position or shift weight to prevent formation of pressure sores while confined to a bed or wheelchair. The device operates by measuring time and triggering an alarm. This alarm may be silenced by operating a push button, to switch from an audible warning to a vibrating warning. However, the invention disclosed in Schmidt et al. does not provide the person with the ability to reset a control unit for the device.

Hattes describes a device for measuring physiological parameters such as a person's breathing rate and triggering an alarm when that parameter becomes abnormal. Hattes also provides that the alarms can be deactivated and reset only manually, as well as an alarm silencer for reducing the level of the audible alarms.

Although both Schmidt et al. and Hattes describe alarm systems, neither disclose, teach, or provide motivation for combining the time measuring device of Schmidt et al. with the physiological parameter measurement device of Hattes. While the device of Hattes measures and responds to aspects of the user's body, monitoring the internal events of interest, the device of Schmidt et al. measures a factor separate from the user's body. Why the two devices should be combined is not obvious, such that combining the device of Schmidt et al. with the alarm in Hattes that can be reset manually is also not obvious. Therefore, Schmidt et al. and Hattes do not render obvious the subject matter of the invention.

The Examiner also rejected claim 9 under 35 U.S.C. § 103(a) as unpatentable over Schmidt et al. in view of Hattes, further in view of Katz (U.S. Patent No. 5643331), and claim 19 under 35 U.S.C. § 103(a) as unpatentable over Schmidt et al. in view of Hattes. The Examiner

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asserts that it would have been obvious to use the time monitoring method of Schmidt et al. to prevent deep vein thrombosis that is due to extended periods of immobilization as taught by Katz. Applicant respectfully traverses and requests reconsideration and withdrawal of the rejections.

As the Examiner pointed out, Schmidt et al. disclose a method of monitoring the length of time a person has been immobile but do not explicitly disclose the method as used to prevent deep vein thrombosis. Hattes discloses measuring physiological parameters of a person but not to prevent deep vein thrombosis. Katz describes deep vein thrombosis as due to extended periods of immobilization. The Examiner asserts that it would be logical to prevent deep vein thrombosis by preventing such immobilization.

However, Katz describes preventing deep vein thrombosis and immobilization by electrically stimulating the leg muscles to contract. Thus, Katz prevents immobilization by moving the user's body. In contrast, the present invention uses a less invasive method and prevents immobilization by simply informing the user of the passage of a measured time. Katz does not disclose, teach, or provide motivation for such a method, or for using the time measuring method of Schmidt et al. to prevent the immobilization described in Katz as causing deep vein thrombosis. Therefore, Schmidt et al. and Katz do not render obvious the subject matter of the present invention.

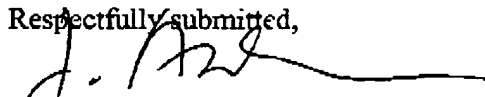
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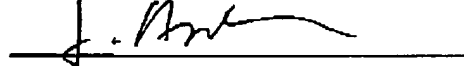
Dated: December 7, 2006

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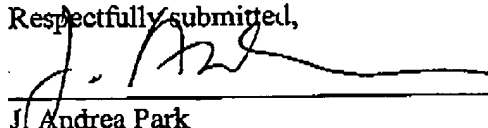
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